

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Telecommunications Carriers Eligible to)	
Receive Universal Service Support)	
)	
NewPhone Wireless, L.L.C.)	WC Docket No. 09-197
)	
Petition for Limited Designation as)	
An Eligible Telecommunications)	
Carrier in Alabama, Connecticut, Delaware,)	
the District of Columbia, Florida,)	
New Hampshire, New York, North Carolina,)	
Tennessee and Virginia)	
)	

**NEWPHONE WIRELESS, L.L.C.
PETITION FOR LIMITED DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN ALABAMA, CONNECTICUT, DELAWARE,
THE DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW YORK,
NORTH CAROLINA, TENNESSEE AND VIRGINIA**

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September 28, 2012

SUMMARY

NewPhone Wireless, L.L.C. (“NewPhone Wireless”) seeks designation as an eligible telecommunications carrier (“ETC”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as Amended (the “Act”) and Federal Communications Commission (“FCC” or “Commission”) rules, for the limited purpose of providing wireless services supported by the Universal Service Fund’s Lifeline program. Section 214(e)(6) permits the Commission to grant ETC designation in those states where the state has affirmatively stated an ETC Petitioner is not subject to state jurisdiction. Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia all have stated they lack jurisdiction over wireless service providers and, consequently, Commission review and approval of NewPhone Wireless’s Petition is warranted.

As described in greater detail herein, NewPhone Wireless satisfies all of the requirements for designation as an ETC and is committed to complying with all of the Commission’s rules and requirements for ETCs providing Lifeline services. Grant of ETC status will be in the public interest as NewPhone Wireless’s provision of Lifeline-supported services will further the Commission’s goals of the Lifeline program by increasing the service options available to low-income consumers. Further, NewPhone Wireless’s low cost prepaid wireless services will provide an important source of high quality mobile service. Low-income consumers will have a stable communications method where traditional landline service is unavailable or simply not the best option for the consumer. Additionally, the prepaid nature of NewPhone Wireless’s services permit consumers to anticipate and control their communications costs. NewPhone Wireless’s Lifeline service offering includes a generous number of “free” minutes that are an invaluable resource for cash-strapped consumers and features such as

voicemail that are critical to those seeking employment. Designation of the Company as an ETC will provide consumers with a valuable alternative for obtaining telephone service and this competition should spur other service providers to improve their service offerings to low-income consumers.

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NORTH CAROLINA, TENNESSEE AND VIRGINIA**

NewPhone Wireless, L.L.C. (“NewPhone Wireless” or the “Company”), pursuant to Section 214(e) of the Communications Act of 1934, as Amended (the “Act”), 47 U.S.C. § 214(e) and Section 54.202 of the rules of the Federal Communications Commission (“Commission” or “FCC”), 47 C.F.R. §54.202, hereby requests limited designation as an eligible telecommunications carrier (“ETC”) in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia (hereinafter, “Federal Jurisdiction States”), for the sole purpose of receiving universal service

Lifeline support. NewPhone Wireless does not request ETC status for the purpose of receiving support from any of the other Universal Service Funds (“USF”), nor does it seek support from the Link Up program.

The Federal Jurisdiction States all have affirmatively stated that they lack jurisdiction or will not assign ETC status to commercial mobile radio service (“CMRS”) providers. Accordingly, the Commission has jurisdiction, pursuant to Section 214(e)(6) to review and grant the Company’s request for designation as an ETC in the Federal Jurisdiction States. As discussed in more detail below, NewPhone Wireless meets the requirements for designation as an ETC and is able and prepared to offer the Lifeline-supported services throughout the Federal Jurisdiction States. Granting NewPhone Wireless ETC status will benefit the public interest by making the Company’s services available to a broad range of low-income consumers.

I. ABOUT NEWPHONE WIRELESS

NewPhone Wireless provides wireless mobile phone services to consumers across the United States.¹ NewPhone Wireless provides domestic voice services, primarily to low-income consumers. As a reseller of wireless services, NewPhone Wireless purchases wireless network infrastructure and wireless transmission facilities from Reunion Communications, Inc. and kajeet, Inc., which, in turn, purchase services from Sprint on a wholesale basis. NewPhone Wireless resells these services to its customers. NewPhone Wireless provides affordable prepaid mobile phone service, including calling and text messaging, along with user-friendly handsets

¹ The Company hereby also reports that its owners are also owners of Image Access, Inc. d/b/a NewPhone (“Image Access”), a Louisiana competitive local exchange carrier and ETC, and Razorline, L.L.C. (“Razorline”), a company offering IP-based hosted PBX communications and information services to business customers in Louisiana. Therefore, Image Access and Razorline are affiliates of NewPhone Wireless.

and high quality customer service. NewPhone Wireless's products and plans are specially geared toward serving lower income communities, and its service models and pricing plans reflect this mission. NewPhone Wireless does not require service contracts from its customers and it always ensures competitive low pricing for its services and products. By providing affordable service, NewPhone Wireless can reach out to those who are often ignored by traditional carriers.

NewPhone Wireless manages all aspects of the customer experience, including setting service pricing, handset selection, marketing materials, and live customer service. NewPhone Wireless's prepaid, budget-friendly pricing has given many low-income consumers the option of having basic mobile phone service without the burden of hidden costs, varying monthly charges, or contractual commitments. Customers are able to customize their mobile phone service to suit their needs with NewPhone Wireless's pay-as-you-go rechargeable mobile phone plans.

NewPhone Wireless's customer base is typically low-income consumers and the majority do not have phone service of any kind prior to enrollment. NewPhone Wireless's customers depend on and benefit greatly from NewPhone Wireless's inexpensive and flexible pricing plans. NewPhone Wireless does not impose credit checks nor does it require any deposits or contractual commitments. Most of NewPhone Wireless's customers turn to NewPhone Wireless because they cannot afford the postpaid services provided by traditional wireless carriers. The Company affirmatively reaches out to the low-income sector of the consumer base to offer attractive and affordable communications options. As such, NewPhone Wireless contributes to the expansion of mobile wireless services for low-income consumers and

intends to seek ETC designation in additional states and jurisdictions so that it may continue to expand the service options for low-income consumers.

II. THE PUBLIC UTILITY COMMISSIONS OF EACH OF THE FEDERAL JURISDICTION STATES HAVE AFFIRMATIVELY STATED THAT THEY DO NOT REGULATE CMRS CARRIERS FOR PURPOSES OF GRANTING ETC DESIGNATIONS

Section 214(e)(2) of the Act reserves to state public utility commissions the authority to designate ETC status to requesting entities.² However, Section 214(e)(6) permits the FCC to designate a petitioner as an ETC in cases involving a “common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.”³ The FCC has stated that before it will consider an ETC application, the entity seeking ETC status must demonstrate that it “is not subject to the jurisdiction of a state commission”⁴ and that the entity must provide an “affirmative statement” from the relevant state commission that the carrier is not subject to the state commission’s jurisdiction.⁵ As demonstrated in the documents attached as Exhibit A, the public utility commission in each of the Federal Jurisdiction States has affirmatively stated that it lacks jurisdiction to designate ETC status. Accordingly, FCC review and approval of the instant application is warranted.

NewPhone Wireless is currently designated as an ETC in Louisiana and the Company was designated as an ETC in Arkansas pursuant to Order No. 3 in APSC Docket No. 11-083-U (rel. February 24, 2012), which designation has been stayed pursuant to Order No. 4 in

² 47 U.S.C. § 214(e)(2).

³ 47 U.S.C. § 214(e)(6).

⁴ *See Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 12 FCC Rcd 22947 (1997).

⁵ *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, 15 FCC Rcd 12208, ¶ 7 (2000).

APSC Docket No. 11-083-U (rel. March 22, 2012) pending further consideration of the FCC's recent *Lifeline Reform Order*. However, because the state public utility commissions in the Federal Jurisdiction States have specifically and affirmatively denied jurisdiction over CMRS providers for purposes of granting ETC status, NewPhone Wireless is not subject to state commission jurisdiction in any of the states for which it seeks an ETC designation herein. The Commission has jurisdiction to grant ETC status in these states pursuant to Section 214(e)(6) of the Act.

III. NEWPHONE WIRELESS MEETS THE COMMISSION'S REQUIREMENTS FOR ETC DESIGNATION

Section 54.202 of the Commission's rules outlines the requirements that must be met before a carrier can be designated as an ETC by the Commission. As discussed in further detail below, NewPhone Wireless meets these requirements and ETC designation in the Federal Jurisdiction States is warranted.

a) *NewPhone Wireless is a common carrier.*⁶

The Commission has consistently held that providers of wireless services are to be treated as common carriers for regulatory purposes. In addition, section 332(c)(1)(A) of the Act states that CMRS providers will be regulated as common carriers.⁷ NewPhone Wireless provides CMRS telecommunications services and, accordingly, is a common carrier.

⁶ 47 CFR § 54.201(b).

⁷ 47 U.S.C. § 332(c)(1)(A).

b) *NewPhone Wireless will provide the Lifeline-eligible services by reselling the services of Sprint.*

Section 214(e)(1)(A) of the Act states that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”⁸

The Commission’s recent order reforming the Lifeline program granted blanket forbearance from this requirement, subject to conditions, to all ETC petitioners seeking limited ETC designation to participate in the Lifeline program.⁹ The Commission conditioned blanket forbearance on the petitioner’s compliance with certain ETC obligations including: providing 911 and E911 service regardless of activation status and prepaid minutes available, providing E911-compliant handsets and replacing non-compliant handsets, at no charge to the consumer, for Lifeline customers upon the effective date of the *Lifeline Reform Order*.¹⁰ In addition, petitioners are required to file, and have approved, a compliance plan which includes specific information about the petitioner’s service offerings and outlines the measures the petitioner will take to implement the obligations established in the *Lifeline Reform Order* as well as other measures to prevent waste, fraud and abuse that the Commission may deem necessary.¹¹

NewPhone Wireless commits to complying with these conditions. To this end, NewPhone Wireless submitted to the Commission for review a Compliance Plan that meets the requirements

⁸ 47 U.S.C. § 214(e)(1)(A).

⁹ *See Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice Of Proposed Rulemaking, FCC 12-11, ¶ 368 (Feb. 6, 2012) (“*Lifeline Reform Order*”).

¹⁰ *See Lifeline Reform Order*, ¶ 373.

¹¹ *See id.*, ¶ 368.

of the *Lifeline Reform Order*.¹² Consequently, NewPhone Wireless is not required to meet the “own facilities” requirement of Section 214(e)(1)(A).

*c) NewPhone Wireless certifies it will comply with the service requirements applicable to the support the Company receives.*¹³

NewPhone Wireless provides all of the telecommunications services supported by the Lifeline program¹⁴ and will make the services available to all qualified consumers throughout its designated service area in the Federal Jurisdiction States. The Company seeks designation as an ETC to provide Lifeline service in the rural and non-rural study areas provided in Exhibit C. NewPhone Wireless understands that its service area includes the service areas of several rural carriers, however, the public interest factors discussed below and the Commission’s precedent in granting ETC designation in such areas justifies this designation as an ETC for purposes only of participation in the Lifeline program.

The Company’s services include voice telephony services that provide voice grade access to the public switched network or its functional equivalent. Further, NewPhone Wireless’s service offerings provide its customers with minutes of use for local service at no charge to the customer. The Company will offer a set number of minutes of local service free of charge to its subscribers. The Company’s Lifeline offering will provide customers with two plans to choose from at no charge to the customer: 1) 150 anytime minutes per month with rollover and one text per airtime minute (send or receive); and 2) 250 anytime minutes per month without rollover and one text per airtime minute (send or receive). Lifeline customers can purchase additional bundles of minutes in the form of airtime cards in denominations of \$5 (100

¹² The NewPhone Wireless Compliance Plan was originally submitted on May 23, 2012 and most recently revised and re-submitted on August 23, 2012. *See* Exhibit B.

¹³ 47 C.F.R. § 54.202(a)(1).

¹⁴ *See* 47 C.F.R. § 54.201(d)(1).

minutes), \$10 (210 minutes), \$20 (500 minutes), and \$30 (800 minutes). Airtime “top-up” minutes will be available for purchase at NewPhone Wireless’s website, by phone, or at any future retail locations. Text messaging is available at the rate of one text message for one minute of airtime. Customers that agree to a monthly credit card automatic payment of \$5 in advance each month will receive an additional 210 anytime minutes. Additional information regarding NewPhone Wireless’s plans, rates and services can be found on its website, www.newphonewireless.net.¹⁵

In addition to free voice services, the Company’s Lifeline plan will include a discounted or free handset and custom calling features, including Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Basic Voicemail. All plans include domestic long-distance at no extra per minute charge. The Company will also provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available and will comply with any Commission requirements regarding E911-compatible handsets. As discussed above, NewPhone Wireless will comply with the Commission’s forbearance grant conditions relating to the provision of 911 and E911 services and handsets. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes.

Finally, the Company will not provide toll limitation service (“TLS”). NewPhone Wireless, like most wireless carriers, does not differentiate domestic long distance usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.¹⁶

¹⁵ NewPhone Wireless’s website is currently “under construction” to implement the changes required by the *Lifeline Reform Order* and NewPhone Wireless’s Compliance Plan.

¹⁶ See *Lifeline Reform Order*, ¶ 230.

d) NewPhone Wireless has the ability to remain functional in emergency situations.¹⁷

As discussed in more detail above, NewPhone Wireless utilizes the Sprint network to provide NewPhone Wireless's mobile services. The Company has access to the extensive and well-established Sprint network and facilities and believes that the Sprint network is capable of managing traffic spikes that may occur during emergency situations and can reroute traffic in the event of damaged facilities. NewPhone Wireless also understands that Sprint has sufficient back-up power to ensure functionality if its external power supply is unavailable.

e) NewPhone Wireless will satisfy applicable consumer protection and service quality standards.¹⁸

Section 54.202(a)(3) of the Commission's rules states that a wireless applicant's commitment to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Consumer Code") will satisfy this consumer protection and service quality requirement. NewPhone Wireless intends to fully comply with applicable consumer protection requirements and commits to comply with the CTIA Consumer Code. NewPhone Wireless agrees to comply with the CTIA Consumer Code to ensure it offers its subscribers the highest level of protection and quality service.¹⁹ NewPhone Wireless's pledge to provide quality service and voluntarily to comply with this code evidences its commitment to satisfying all of the applicable consumer protection and service quality standards.

¹⁷ 47 C.F.R. § 54.202(a)(2).

¹⁸ 47 C.F.R. § 54.202(a)(3).

¹⁹ See 47 C.F.R. § 54.202(a)(3).

f) NewPhone Wireless is financially and technically capable of providing Lifeline services in compliance with the Commission's rules

Revised Commission rule 54.202(a)(4), 47 C.F.R. 54.202(a)(4), requires ETC petitioners to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements.²⁰ Among the factors the Commission will consider are: a carrier's prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate, whether the carrier receives revenues from other sources and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding.

NewPhone Wireless has been providing wireless Lifeline service since being designated as an ETC by the Louisiana Public Service Commission in September of 2011, and NewPhone Wireless's management team has been providing wireless services since 2010 through the operations of Image Access. NewPhone Wireless's management team has over 13 years of experience in owning and operating a telecommunications company – Image Access – which has provided local exchange service in each of the former BellSouth (now AT&T Southeast) states, Arkansas and Indiana. Further, since 2003, NewPhone Wireless's management has owned and operated Razorline, which offers IP-based hosted PBX communications and information services to business customers in Louisiana. NewPhone Wireless and its customers have and will continue to benefit from the experience and capabilities of its management team, which draws upon its extensive background in the telecommunications industry.

Image Access is a competitive local exchange carrier that has offered wireline local exchange service in the southeast and provided both Lifeline and non-Lifeline services

²⁰ *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

throughout the AT&T Southeast footprint. Specifically, since 1998, Image Access has offered wireline service in Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky and Indiana. In 2010, Image Access began providing prepaid wireless service to customers in Louisiana. In 2011, the management of Image Access (which is the same as NewPhone Wireless's management) transitioned the wireless operations of Image Access to NewPhone Wireless following the Louisiana Public Service Commission's grant of wireless ETC status to NewPhone Wireless in September 2011.

NewPhone Wireless has also applied for and been granted wireless, low-income ETC status in Arkansas, which approval has been stayed pending further consideration of the FCC's recent *Lifeline Reform Order*. NewPhone Wireless will continue to offer wireless services to Lifeline eligible and non-Lifeline customers pursuant to terms and conditions that can be found on the Company's website. NewPhone Wireless has not been subject to enforcement action or ETC revocation proceedings in any state.

(g) *Terms and conditions of NewPhone Wireless's voice telephony service plans for Lifeline subscribers.*²¹

As noted in Section III(c), *supra*, NewPhone Wireless offers Lifeline subscribers an attractive voice telephony service plan. NewPhone Wireless's Lifeline subscribers are eligible to receive the same service plan that NewPhone Wireless generally makes available to the public. The Company's Lifeline offering will provide customers with two plans to choose from at no charge to the customer: 1) 150 anytime minutes per month with rollover and one text per airtime minute (send or receive); and 2) 250 anytime minutes per month without rollover and one text per airtime minute (send or receive). Lifeline customers can purchase additional

²¹ 47 C.F.R. § 54.202(a)(5).

bundles of minutes in the form of airtime cards in denominations of \$5 (100 minutes), \$10 (210 minutes), \$20 (500 minutes), and \$30 (800 minutes). Airtime “top-up” minutes will be available for purchase at NewPhone Wireless’s website, by phone, or at any future retail locations. Text messaging is available at the rate of one text message for one minute of airtime. Customers that agree to a monthly credit card automatic payment of \$5 in advance each month will receive an additional 210 anytime minutes. Additional information regarding NewPhone Wireless’s plans, rates and services can be found on its website, www.newphonewireless.net.²²

h) *NewPhone Wireless will comply with the additional ETC obligations.*

NewPhone Wireless has implemented processes to meet the Commission’s current requirements regarding certification and verification of a customer’s qualification for Lifeline service. As described in NewPhone Wireless’s Compliance Plan, filed on May 23, 2012 and most recently revised and re-submitted on August 23, 2012, the Company has detailed and comprehensive procedures in place to address customer certification and verification requirements as well as those requirements addressing de-enrollment and duplication of service. These procedures comply with the Commission’s recently-revised customer certification and verification requirements.²³ NewPhone Wireless will also comply with the annual re-certification and reporting requirements and the Commission’s measures to prevent waste, fraud and abuse of Lifeline services.²⁴

²² NewPhone Wireless’s website is currently “under construction” to implement the changes required by the *Lifeline Reform Order* and NewPhone Wireless’s Compliance Plan.

²³ 47 C.F.R. § 54.410.

²⁴ 47 C.F.R. §§ 54.416, 54.422; *See also Telecommunications Carriers Eligible for Universal Service Support; Virgin Mobile USA, L.P. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et al.*, 25 FCC Rcd 17797, ¶ 24 (2010) (“2010 Virgin Mobile ETC Order”).

NewPhone Wireless does not collect service deposits for its plans and does not charge a number-portability fee, and will not do either for Lifeline accounts.²⁵ NewPhone Wireless timely pays all applicable federal, state, and local regulatory fees, including universal service and E911 fees.

*(i) NewPhone Wireless advertises the availability of its service and charges in a manner reasonably designed to reach Lifeline-eligible consumers and will comply with the Commission's revised rules regarding information to be included in advertisements.*²⁶

NewPhone Wireless intends to advertise its Lifeline services using media of general distribution,²⁷ as a means of reaching those consumers that are likely to qualify for Lifeline services.²⁸ The Company will use these advertising media to advertise the availability of its services to Lifeline customers and will expand its advertising efforts if necessary to ensure that Lifeline-eligible customers are aware of the service offerings.²⁹ NewPhone Wireless will ensure that all of its Lifeline advertising materials comply with the Commission's revised rule section 54.405(c) once that rule takes effect. Specifically, NewPhone Wireless's advertising materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) that documentation is necessary for enrollment; and (vii) NewPhone Wireless is the provider of the services. Further, the Company's application/certification form will state that consumers who

²⁵ See 47 C.F.R. § 54.401(c), (e).

²⁶ 47 C.F.R. §§ 54.201(d)(2), 54.405(b).

²⁷ 47 U.S.C. § 214(e)(1)(B), 47 C.F.R. § 54.201(d)(2).

²⁸ See 47 C.F.R. § 54.405(b).

²⁹ *Id.*

willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.³⁰

IV. THE PUBLIC INTEREST WILL BENEFIT FROM GRANTING ETC STATUS TO NEWPHONE WIRELESS

The Commission's rules require that, before granting a request for ETC designation, the Commission must find that grant of the designation would be in the public interest.³¹ In determining if the public interest showing has been met, the Commission considers the "benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering."³² In addition, the principal goal of the Lifeline program is to make affordable telecommunications services available to low-income consumers.³³

Similar to the Commission's findings justifying grant of ETC designation to other petitioners, designation of NewPhone Wireless as an ETC for Lifeline purposes will further the Commission's goals for the Lifeline program. Specifically, the Company will offer prepaid low cost wireless service to low-income consumers thereby increasing consumer choice by enabling the entry of a provider offering affordable telecommunications services to low-income consumers.³⁴ In addition, increasing consumer choice will spur wireless ETC providers to

³⁰ See *Lifeline Reform Order*, ¶ 275; section 54.405(c). See also *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Erratum, ¶ 63 (rel. May 16, 2012).

³¹ 47 C.F.R. § 54.202(b).

³² See, e.g., *2010 Virgin Mobile ETC Order*, ¶ 6.

³³ See, e.g., *Lifeline and Link-Up*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302 (2004).

³⁴ See, e.g., *Virgin Mobile USA, L.P. Petition for Forbearance from 47 USC §214(e)(1)(A)*, Order, FCC 09-18, ¶ 38 (rel. March 5, 2009) ("2009 Virgin Mobile Forbearance/ETC Order").

compete for eligible customers by providing the highest value (e.g., higher quality handsets, customer service).

Further, grant of the application will provide consumers with access to high quality service and the benefits of a mobile service.³⁵ The mobility of the service will be particularly attractive to Lifeline-eligible consumers who may frequently change residences or work in migratory jobs. Wireless service therefore offers a stable contact method where traditional landline service would be unavailable or not a viable option. NewPhone Wireless's prepaid wireless service is an especially attractive option for low-income consumers because it alleviates customer concerns regarding hidden costs, varying monthly charges and long term contract issues.

In the current economy, many consumers are faced with making difficult choices about how to allocate and spend their limited resources. The ability to meet their communications needs while at the same time anticipating and controlling the associated costs is critical. NewPhone Wireless's prepaid service offerings and rechargeable mobile phone plans enable customers to tailor their wireless services to their needs and budgets and the prepaid nature of the service also provides an alternative for "unbanked" consumers. Further, NewPhone Wireless does not impose credit checks thereby providing an alternative for those low-income consumers unable to obtain credit for post-paid services provided by traditional carriers.

NewPhone Wireless's prepaid mobile calling service package provides low-income consumers with a generous number of included, anytime minutes at no cost to the consumers as well as Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, Basic Voicemail,

³⁵ 2009 *Virgin Mobile Forbearance/ETC Order*, ¶ 38. As discussed above, NewPhone Wireless will comply with the Consumer Code for Wireless Service of CTIA – The Wireless Association.

and calls to 911 services. These “free” minutes and services are an invaluable resource for cash-strapped consumers who may be seeking employment and need a means to contact potential employers. The package is also useful for those consumers that need the ability to stay in touch with children or other family members as well as to contact 911 emergency services when needed. NewPhone Wireless’s services will provide consumers with a valuable alternative for obtaining telephone service and this competition in turn could spur other service providers to improve their service options.

V. ANTI-DRUG ABUSE CERTIFICATION

NewPhone Wireless certifies that no party to this Petition is subject to a denial of federal benefits that includes Commission benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

VI. CONCLUSION

For the foregoing reasons, NewPhone Wireless asserts that grant of the instant Petition for Limited Designation as an Eligible Telecommunications Carrier is in the public interest and is warranted in accordance with 47 U.S.C. § 214(e)(6) of the Act.

Respectfully submitted,



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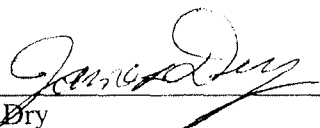
September 28, 2012

DECLARATION

I, James Dry, President of NewPhone Wireless, L.L.C. do hereby affirm under penalty of perjury that I have reviewed all of the factual assertions set forth in the foregoing petition for ETC status and that all such statements made therein are true and correct to the best of my knowledge, information and belief.

To the best of my knowledge, no party to this Petition, nor any of their officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting or non-voting) as specified in Section 1.2002(b) of the Commission's rules are subject to denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Executed on September 28, 2012



James Dry
President

EXHIBIT A

Alabama Public Service Commission

Orders

PINE BELT CELLULAR, INC. and PINE
BELT PCS, INC.,

Joint Petitioners

PETITION: For ETC status and/or
clarification regarding the jurisdiction of
the Commission to grant ETC status to
wireless carriers.

DOCKET U-4400

ORDER

BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214(e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural

service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate, *in any respect*, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12th day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

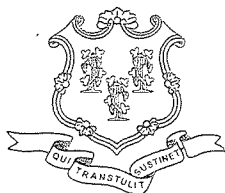
Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

May 25, 2012

In reply please refer to:

UR:Undocketed:PAP

John J. Heitmann
Joshua T. Guyan
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, D.C. 20007-5108

Re: Request for a Letter Confirming Lack of Jurisdiction Over Wireless Eligible
Telecommunications Carrier Petitions

Dear Messrs Heitmann and Guyan:

The Public Utilities Regulatory Authority (Authority) is in receipt of your March 28, 2012 letter concerning the Authority's jurisdiction over wireless mobile carrier services' rates and charges.

The Authority does not regulate or license wireless carrier services' rates and charges per the Federal Omnibus Budget Act of 1993. Therefore, all applications for eligible telecommunications carriers' status for wireless providers should be made to the Federal Communications Commission.

Sincerely,

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
PUBLIC UTILITIES REGULATORY AUTHORITY

Kimberley J. Santopietro
Executive Secretary



STATE OF DELAWARE
PUBLIC SERVICE COMMISSION

361 SILVER LAKE BOULEVARD
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904

TELEPHONE: (302) 739 - 4247
FAX: (302) 739 - 4849

July 15, 2009

L. Charles Keller, Jr.
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Ste. 700
Washington, DC 20037

RE: *Conexions LLC*

Dear Mr. Keller:

You have requested a statement confirming that the Delaware Public Service Commission ("PSC") lacks the jurisdiction to designate your client, Conexions, LLC ("Conexions"), as an Eligible Telecommunications Carrier ("ETC") under 47 U.S.C. § 214(e). You have represented that Conexions is a new mobile virtual network operator who seeks to participate in the FCC's Lifeline support program for qualifying low-income consumers.

Under state law, the Delaware PSC does not currently exercise any form of supervisory jurisdiction over wireless commercial mobile radio service ("CMRS") providers. *See* 26 *Del. C.* § 102(2) (excluding "telephone service provided by cellular technology, or by domestic public land mobile radio service" from the definition of "public utility"); 26 *Del. C.* § 202(c) (providing that the Delaware Commission has "no jurisdiction over the operation of domestic public land mobile radio service provided by cellular technology service or over rates to be charged for such service or over property, property rights, equipment of facilities employed in such service"). In fact, in granting ETC status in Delaware for Cellco Partnership d/b/a Bell Atlantic Mobile, the FCC accepted the Delaware PSC's confirmation at that time that it did not have jurisdiction under state law to designate CMRS providers as ETCs. *See Federal-State Joint Board on Universal Service; Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*; Memorandum Opinion and Order, 16 FCC Rcd. 39 (2000), at ¶¶ 3-4. There have been no changes to state law regarding the PSC's authority over CMRS providers since the *Cellco* decision.

L. Charles Keller, Jr.
July 15, 2009
Page 2

I hope this addresses your request for confirmation that the Delaware Public Service Commission does not have jurisdiction under state law to designate CMRS providers, such as Conexions LLC, as an ETC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce H. Burcat".

Bruce H. Burcat
Executive Director

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
VERIZON DELAWARE INC., TO MODIFY THE)
LIFELINE SERVICE BY ADDING AN INCOME) PSC DOCKET NO. 05-016T
QUALIFIER TO THE ELIGIBILITY CRITERIA)
(FILED JUNE 17, 2005))

ORDER NO. 6736

This 11th day of October, 2005, the Commission determines and Orders the following:

1. In the jargon of the federal Lifeline/Link-Up program, Delaware is a "federal default State." Delaware has never, by either state law or state regulation, ordained, nor funded, a stand-alone program to provide discounts on basic telephone services charges for low-income subscribers. Consequently, it was not until 1997, when the Federal Communications Commission ("FCC") revamped the federal Lifeline/Link-Up program, that Delaware subscribers first became eligible for participation in the federal Lifeline program.¹ And given that in a "federal default State" only federally-raised monies are used to reimburse eligible carriers for the Lifeline and Link-Up discounts, it is the FCC, and not the state commission, that gets to call the tune about who should be eligible to receive these federally-subsidized price reductions.

2. Since 1997, Verizon Delaware Inc. ("VZ-DE") has been designated as an "eligible telecommunications carrier" and has offered

¹See PSC Order No. 4684 (Dec. 16, 1997) (summarizing Delaware history and electing to allow "Tier 2" federal support to eligible Delaware subscribers).

federal Lifeline discounts on the federal list of supported services.² And even though in "default" States, Lifeline is almost an exclusively federal program, VZ-DE has, since 1997, filed at the State level, tariff provisions setting forth its Lifeline offerings.³

3. In 2004, the FCC changed some of the "eligibility" rules describing which subscribers may participate in the federal Lifeline/Link-Up program.⁴ In particular, the 2004 amendments added additional programs to the list of "eligible" programs where participation confers federal default Lifeline/Link-Up eligibility.⁵ The 2004 amendments also introduced an additional eligibility criteria premised on the subscriber's household income.⁶ Eligible telecommunications carriers, such as VZ-DE, were given one year to implement this new, additional income-based eligibility criteria.⁷

4. To implement these changes prescribed by the FCC, VZ-DE initially filed revisions to the Lifeline and Link-Up portions of its

²See PSC Order No. 4680 (Dec. 17, 1997) ("ETC" designation for VZ-DE). See also PSC Dckt. No. 97-023T (initial Lifeline tariff filing by VZ-DE).

³From December 2000 through December 2003, VZ-DE offered, under its state tariff, an "expanded" Lifeline program for Delaware. The discounts under such program exceeded the Tiers 1 & 2 levels normally available in a default State. VZ-DE offered this expanded program to fulfill a condition imposed by the FCC in approving the Bell Atlantic-GTE merger. See PSC Order No. 6317 (Dec. 9, 2003) (explaining content and cause of this expanded Lifeline offering). Whether Delaware remained a "default State" during this period when VZ-DE subsidized the deeper discounts is an issue that need now be explored or resolved. This "expanded" program ended in December 2003.

⁴In the Matter of Lifeline and Link-Up, Report and Order and Further NPRM, 19 FCC Rcd. 8302 (FCC 2004) ("Lifeline Order").

⁵47 C.F.R. §§ 54.409(b) (Lifeline eligibility criteria in "default" State); 54.415(b) (Link-Up eligibility criteria in "default" State).

⁶47 C.F.R. §§ 54.409(b), 54.410 (Lifeline); 54.415(b), 54.416 (Link-Up).

⁷47 C.F.R. §§ 54.410(a)(ii), 54.416.

State tariff. These changes incorporated into the State tariff provisions the expanded list of "eligibility-conferring" programs.⁸ At the same time, the Commission Staff began discussions with VZ-DE to determine whether, under the applicable federal default rules, it was appropriate for VZ-DE to continue to include in its State tariff Lifeline provisions language that conditioned Lifeline eligibility on the subscriber foregoing the ability to purchase many optional or vertical services.⁹ Eventually, VZ-DE revised its State tariff Lifeline provisions to delete the questioned restrictions.¹⁰ Then in June 2005, VZ-DE filed another Tariff revision to reflect its implementation of the household-income criteria for eligibility for Lifeline and Link-Up discounts.¹¹ Finally, on September 9, 2005, VZ-DE submitted another set of revised tariff sheets reflecting further textual revisions, as originally suggested by Staff. In part, these final changes sought to make the State tariff's description of how VZ-DE would administer its Lifeline/Link-Up program to more closely parallel the governing federal default rules.¹²

⁸See PSC Dckt. No. 04-017T (filed July 26, 2004; eff. July 27, 2004).

⁹That restriction - limiting Lifeline subscribers to a small group of designated vertical services - had been a continual part of VZ-DE's state-tariffed Lifeline offerings since 1997. In its Lifeline Order, the FCC expressed its belief that "any restriction on the purchase of vertical services may discourage qualified consumers from enrolling and may serve as a barrier to participation in the [Lifeline] program. Lifeline Order at ¶ 53.

¹⁰See PSC Dckt. No. 05-008T (filed April 8, 2005; eff. April 16, 2005).

¹¹See PSC Dckt. No. 05-016T (filed June 17, 2005; eff. June 22, 2005).

¹²See PSC Dckt. No. 05-016T, amended tariff sheets filed on September 9, 2005 but with effective date of June 22, 2005).

5. The Commission enters this Order not so much to "approve" the various Lifeline filings made by VZ-DE but to recount the course of the filings made since the FCC changed its federal Lifeline/Link-Up program in 2004. Indeed, given that Delaware is a "default" State, VZ-DE's Lifeline/Link-Up offerings are governed more by the federal default rules than by any "approved" State tariff provision. Any State tariff provision that might conflict with a federal default rule would necessarily have to yield. However, the Commission will accept the Lifeline and Link-Up tariff filings lodged by VZ-DE. The Commission believes that VZ-DE's last submission (in September 2005) sets forth a Lifeline and Link-Up offering that is consistent with the federal default rules. However, the filing and acceptance of the State tariff provisions should not be seen as foreclosing any later challenge that VZ-DE's program falls short of the federal directives.

Now, therefore, **IT IS ORDERED:**

1. That, as explained in the body of this Order, the Commission accepts the tariff filings made by Verizon Delaware Inc., to implement its responsibilities to provide federal Lifeline and Link-Up in this "federal default" jurisdiction. In particular, the Commission now accepts the tariff revision filing made September 9, 2005 pertaining to the following leaves in P.S.C.-Del.-No. 1:

Section 20D, Fourteenth Revised Sheet 1 (Link-Up);

Section 20D, Fifth Revised Sheet 2 (Link-Up); and

Section 20E, Eighth Revised Sheet 2 (Lifeline).

2. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

ATTEST:

/s/ Norma J. Sherwood
Acting Secretary



Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor, West Tower
Washington, D.C. 20005
(202) 626-5100
www.dcpsc.org

March 27, 2012

Via First Class Mail

John J. Heitmann and Joshua T. Guyan
Kelley Drye & Warren LLP
Washington Harbour Suite 400
3050 K Street, NW
Washington, DC 20007-5108

Dear Mr. Heitmann and Mr. Guyan:

Thank you for your March 23, 2012 letter requesting information on whether the Public Service Commission of the District of Columbia ("Commission") designates wireless telecommunications carriers as eligible telecommunications carriers ("ETC") for the purposes of receiving federal universal service funding. Please be advised that, pursuant to section 34-2006(b) of the District of Columbia Code, the Commission does not have jurisdiction over wireless carriers. Thus, the Commission has no authority to designate wireless telecommunications carriers as ETCs.

Attached please find a copy of the relevant section of the District of Columbia Code for your information. Should you need anything further, please contact Lara Walt at 202-626-9191 or lwalt@psc.dc.gov.

Sincerely,

A handwritten signature in black ink, which appears to read "Richard A. Beverly".

Richard A. Beverly
General Counsel

Enclosure



D.C. Council Home

Home Search Help ©



Welcome to the online source for the District of Columbia Official Code

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition Currentness

Division V. Local Business Affairs

Title 34. Public Utilities.

§ Subtitle V. Telecommunications.

§ Chapter 20. Telecommunications Competition.

➔ § 34-2006. Exemptions.

(a) This chapter shall not apply to cable television services performed pursuant to an existing cable television franchise agreement with the District of Columbia which is in effect on September 9, 1996. To the extent that a cable television company seeks to provide local exchange services within the District of Columbia, such company shall be regulated under the provisions of this chapter for their local exchange services.

(b) Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.

(c) This chapter shall not:

- (1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;
- (2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;
- (3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or
- (4) Alter the Commission's existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.

CREDIT(S)

(Sept. 9, 1996, D.C. Law 11-154, § 7, 43 DCR 3736; June 5, 2008, D.C. Law 17-165, § 3(c), 55 DCR 5171.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1456.

Effect of Amendments

D.C. Law 17-165 added subsec. (c).

Legislative History of Laws

For legislative history of D.C. Law 11-154, see Historical and Statutory Notes following § 34-2001.

For Law 17-165, see notes following § 34-403.

References in Text

The federal Telecommunications Act of 1996, referred to in (b), is Pub. L. 104-104, which is codified throughout Title 47 of the United States Code.

DC CODE § 34-2006

Current through January 11, 2012

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STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

October 24, 2011

Ms. Kasey C. Chow
Lance J.M. Steinhart, P.C.
Attorney At Law
1725 Windward Concourse
Suite 150
Alpharetta, GA 30005


Re: Undocketed – Q Link Wireless LLC's ETC Designation

Dear Ms. Chow:

We received your October 18, 2011 letter advising that Q Link Wireless LLC, a commercial mobile radio service provider, wish to seek designation as an ETC in Florida. You also requested an affirmative statement that the Florida Public Service Commission no longer assert jurisdiction to designate commercial mobile radio service providers as eligible telecommunication carriers in Florida.

This letter acknowledges that the revisions to Chapter 364, Florida Statutes, changed the Commission's jurisdiction regarding telecommunications companies. I direct your attention to Chapter 364, Florida Statutes, for the proposition that the Federal Communications Commission, rather than this Commission is the appropriate agency to consider Q Link Wireless LLC's bid for ETC status.

Sincerely,


S. Curtis Kiser
General Counsel

cc: Beth W. Salak, Director, Division of Regulatory Analysis
Robert J. Casey, Public Utilities Supervisor, Division of Regulatory Analysis
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel
Ann Cole, Commission Clerk, Office of Commission Clerk

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
Clifton C. Below
Amy L. Ignatius

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

March 28, 2011

RE: ETC Certification in New Hampshire

The federal Universal Service Fund (USF) was created by the Federal Communications Commission (FCC) to promote the availability of quality services at just and reasonable rates to all consumers including low-income customers and those in high cost areas and to increase nationwide access to advanced services in schools, libraries and rural health care facilities. To qualify for universal service funding a carrier must first be certified as an Eligible Telecommunications Carrier (ETC) by the state public utilities commission or, if the state does not assert this authority, by the FCC. *See* 47 U.S.C. §214 (e).

The New Hampshire Public Utilities Commission maintains authority to determine whether landline telecommunications carriers qualify as ETCs. Pursuant to New Hampshire RSA 362:6, the Commission has no jurisdiction over mobile radio communications services. Consequently, the state declines jurisdiction over the certification of wireless carriers as ETCs, leaving that responsibility to the FCC.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Anne Ross".

F. Anne Ross
General Counsel
New Hampshire Public Utilities Commission

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
www.dps.state.ny.us

PUBLIC SERVICE COMMISSION

GARRY A. BROWN
Chairman
PATRICIA L. ACAMPORA
MAURKEEN F. HARRIS
ROBERT E. CURRY JR.
JAMES L. LAROCCA
Commissioners



PETER MCGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

July 28, 2010

TO WHOM IT MAY CONCERN:

Re: i-wireless CMRS Jurisdiction

We have received a letter from i-wireless, LLC (i-wireless), requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over CMRS providers for the purpose of making determinations regarding Eligible Telecommunications Carrier designations under section 214 (e)(6) of 47 U.S.C. In response to this request, please be advised that section 5 (6)(a) of the New York State Public Service Law provides that:

Application of the provisions of this chapter to cellular telephone services is suspended unless the commission, no sooner than one year after the effective date of this subdivision, makes a determination, after notice and hearing, that suspension of the application of provisions of this chapter shall cease to the extent found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstituted under section 5 (6)(a) of the Public Service Law. Consequently, based on the representation by i-wireless that it is a mobile virtual network operator reselling wireless services, i-wireless would not be subject to New York State Public Service Commission jurisdiction for the purpose of making an Eligible Telecommunications Carrier designation.

Very truly yours,

Maurkeen J. McCauley
Maurkeen J. McCauley
Assistant Counsel

McCauley

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Designation of Carriers Eligible for Universal)
Carrier Support) ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS from the definition of "public utility." See, G.S. 82-3(23). Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-5(23)), enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

Patricia Swenson

Patricia Swenson, Deputy Clerk

W002303.01

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:

APPLICATION OF ADVANTAGE CELLULAR
SYSTEMS, INC. TO BE DESIGNATED AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

)
)
)
)
)

DOCKET NO.
02-01245

ORDER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier ("Application")* filed on November 21, 2002.

Background

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Authority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.¹

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, "[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission."

The Authority's lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission's jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission ("FCC") to perform the ETC designation.²

¹ This finding is not inconsistent with the Authority's decision in *In re Universal Service Generic Contested Case*, Docket 97-05222, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required interstate telecommunications carriers to contribute to the Interstate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00888 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission's rules on Universal Service and specifically requires every telecommunications carrier that provides interstate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

² 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

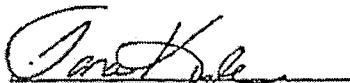
In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."³ Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."⁴


The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

The Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier is dismissed for lack of subject matter jurisdiction.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

³ *In the Matter of Federal-State Joint Bd. on Universal Service*, CC Docket No. 95-45, *Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 15 F.C.R. 12208, 12264, § 113 (June 30, 2000).

⁴ *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION DOCUMENT CONTROL
AT RICHMOND, APRIL 9, 2004

IN RE:

2004 APR -9 A 11:46

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC-2001-00263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed an application with the State Corporation Commission ("Commission") for designation as an eligible telecommunications carrier ("ETC"). This was the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.¹ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002. Our Order of April 9, 2002, found that § 214(e)(6) of the Act is applicable to Virginia Cellular's application because this Commission has not asserted jurisdiction over CMRS carriers and that Virginia Cellular should apply to the Federal Communications Commission ("FCC") for ETC designation.

Virginia Cellular filed its Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia with the FCC on April 26, 2002. On January 22, 2004, the FCC released its order designating Virginia Cellular as an ETC in specific portions of its licensed

¹ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

service area in the Commonwealth of Virginia subject to certain conditions ("FCC's January 22, 2004, Order").²

The FCC's January 22, 2004, Order further stated that Virginia Cellular's request to redefine the service areas of Shenandoah Telephone Company ("Shentel") and MGW Telephone Company ("MGW") in Virginia pursuant to § 214(3)(5) of the Telecommunications Act of 1996 ("Act") was granted subject to the agreement of this Commission. On March 2, 2004, the FCC filed its January 22, 2004, Order as a petition in this case.³

Section 214(e)(5) of the Act states:

SERVICE AREA DEFINED. - The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In this instance, the FCC has determined that the service areas of Shentel and MGW, which are both rural telephone companies under the Act, should be redefined as requested by Virginia Cellular.⁴ The FCC further recognizes that the "Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to determine the redefinition proposal and examine whether it should be approved."⁵

² CC Docket No. 96-45, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*.

³ See paragraph 45 of the FCC's January 22, 2004, Order. The FCC, in accordance with § 54.207(d) of its rules, requests that the Virginia Commission treat this Order as a petition to redefine a service area under § 54.207(d)(1) of the FCC's rules. A copy of the petition can be obtained from the Commission's website at: <http://www.state.va.us/scc/caseinfo.htm>.

⁴ The FCC denied Virginia Cellular's request to redefine the study area of NTELOS. See paragraph 50 of the FCC's January 22, 2004, Order.

⁵ The FCC's January 24, 2004, Order at paragraph 2. (citations omitted)

The Commission finds that interested parties should be afforded the opportunity to comment and/or request a hearing regarding the FCC's petition to redefine the service areas of Shentel and MGW. We note that the FCC believes that its proposed redefinition of these service areas should not harm either Shentel or MGW.⁶ However, we request any interested party to specifically address in its comments whether our agreeing to the FCC's proposal to redefine the service areas of Shentel and MGW would harm these companies.

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that interested parties should be allowed to comment or request a hearing regarding the FCC's proposed redefinition of Shentel's and MGW's service areas.

Accordingly, IT IS ORDERED THAT:

(1) Any interested party desiring to comment regarding the redefinition of Shentel's and MGW's service areas may do so by directing such comments in writing on or before May 7, 2004, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo.htm>.

(2) On or before May 7, 2004, any interested party wishing to request a hearing regarding the redefinition of Shentel's and MGW's service areas shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2001-00263 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter.

⁶ See paragraphs 43 and 44 of the FCC's January 22, 2004, Order.

(3) On or before June 1, 2004, interested parties may file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the comments and requests for hearing filed with the Commission. A copy of the response shall be delivered to any person who filed comments or requests for hearing.

(4) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: each local exchange telephone company licensed to do business in Virginia, as shown on Attachment A hereto; David A. LaFuria, Esquire, Lukas, Nace, Gutierrez & Sachs, Chartered, 1111 19th Street, N.W., Suite 1200, Washington, D.C. 20036; Thomas Buckley, Attorney-Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554; Virginia Telecommunications Industry Association, c/o Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; L. Ronald Smith, President and General Manager, Shenandoah Telephone Company, P.O. Box 105, Williamsville, Virginia 24487; Lori Warren, Director of Regulatory Affairs, MGW Telephone Company, P.O. Box 459, Edinburg, Virginia 22824-0459; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Communications, Public Utility Accounting, and Economics and Finance.

EXHIBIT B

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August 23, 2012

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: NewPhone Wireless, L.L.C. Revised Compliance Plan; WC Docket Nos.
09-197, 11-42

Dear Ms. Dortch:

On May 23, 2012, NewPhone Wireless, L.L.C. ("NewPhone Wireless") submitted its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.¹ On July 24, 2012, NewPhone Wireless revised its Compliance Plan to provide additional details and clarifications.

NewPhone Wireless has further revised its Compliance Plan (p. 10) to explain that NewPhone Wireless's customers are permitted to de-enroll from Lifeline supported service at any time by simply calling NewPhone Wireless's toll-free customer service line. NewPhone Wireless will not require submission of a written request by facsimile or otherwise. In addition, NewPhone Wireless has revised its Lifeline service plans in Section II. and in its marketing sample in Exhibit C to remove its 68 minute plan option.

NewPhone Wireless hereby re-submits its complete Compliance Plan with the above revisions. Based on the minor nature of these changes, NewPhone Wireless reiterates its request for expeditious approval of its Compliance Plan.

¹ See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (Feb. 6, 2012).

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary
August 23, 2012
Page Two

This letter and revised Compliance Plan is being filed electronically for inclusion in the public record of the above-referenced proceedings. Please feel free to contact the undersigned with any questions.

Respectfully submitted,



John J. Heitmann
Joshua T. Guyan

Counsel to NewPhone Wireless, L.L.C.

cc: Kim Scardino
Jonathan Lechter
Divya Shenoy
Garnet Hanly

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of	
Telecommunications Carriers Eligible to Receive Universal Service Support	WC Docket No. 09-197
Lifeline and Link Up Reform and Modernization	WC Docket No. 11-42
NewPhone Wireless, L.L.C.	

**COMPLIANCE PLAN
OF NEWPHONE WIRELESS, L.L.C.**

NewPhone Wireless, L.L.C. (“NewPhone Wireless” or the “Company”),¹ through its undersigned counsel, hereby respectfully submits and requests expeditious treatment of its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.²

¹ The Company hereby also reports that its owners are also owners of Image Access, Inc. d/b/a NewPhone (“Image Access”), a Louisiana competitive local exchange carrier, and Razorline, L.L.C. (“Razorline”), a telecommunications company offering IP-based hosted PBX communications and information services to business customers in Louisiana. Therefore, Image Access. and Razorline are affiliates of NewPhone Wireless.

² See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (Feb. 6, 2012) (“*Lifeline Reform Order*”). The Company herein submits the information required by the Compliance Plan Public Notice. See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-314 (rel. Feb. 29, 2012).

The Company commends the Commission's commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including Lifeline customers. NewPhone Wireless will comply with 911 requirements as described below and it is submitting this Compliance Plan in order to qualify for blanket forbearance from the facilities requirement of section 214(e)(1)(A) of the Communications Act and participate as an eligible telecommunications carrier ("ETC") in the Lifeline program.³

The Company will comply fully with all conditions set forth in the *Lifeline Reform Order*, as well as with the Commission's Lifeline rules and policies more generally.⁴ This Compliance Plan describes the specific measures that the Company intends to implement to achieve these objectives. Specifically, this Compliance Plan: (1) describes the specific measures that NewPhone Wireless will take to implement the obligations contained in the *Lifeline Reform Order*, including the procedures the Company follows in enrolling a subscriber in Lifeline and submitting for reimbursement

³ See *Lifeline Reform Order*, ¶ 368. Although the Company qualifies for and seeks to avail itself of the Commission's grant of forbearance from the facilities requirement of section 214(e)(1)(A) for purposes of the Commission's Lifeline program, the Company reserves the right to demonstrate to a state public utilities commission that the Company provides service using its own facilities in a state for purposes of state universal service funding under state program rules and requirements. NewPhone Wireless will follow the requirements of the Commission's Lifeline rules and this Compliance Plan in all states in which it provides Lifeline service and receives reimbursements from the federal Low-Income Fund, including in any state where the public utilities commission determines that NewPhone Wireless provides service using its own facilities for purposes of a state universal service program.

⁴ In addition, this Compliance Plan is consistent with the compliance plan filed by Global Connection Inc. of America. See Global Connection of America Inc. Compliance Plan, WC Docket Nos. 09-197, 11-42 (Apr. 30, 2012). The Global Connection compliance plan was approved on May 25, 2012. See Public Notice, DA 12-828.

for that subscriber from the Low-Income Fund, materials related to initial and ongoing certifications and sample marketing materials; and (2) provides a detailed description of how the Company offers Lifeline services, the geographic areas in which it offers services, and a detailed description of the Company's Lifeline service plan offerings.

ACCESS TO 911 AND E911 SERVICES⁵

Pursuant to the *Lifeline Reform Order*, forbearance is conditioned upon NewPhone Wireless: (1) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (2) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.⁶ NewPhone Wireless complied with these conditions before the effective date of the *Lifeline Reform Order*.

NewPhone Wireless will provide its Lifeline customers with access to 911 and E911 services immediately upon activation of service. The Commission and consumers are hereby assured that all NewPhone Wireless customers will have available access to emergency calling services at the time that Lifeline service is initiated, and that such 911 and E911 access will be available from NewPhone Wireless handsets, even if the account associated with the handset has no minutes remaining.

The Company's existing practices currently provide access to 911 and E911 services for all customers. NewPhone Wireless uses Sprint Nextel ("Sprint") as its underlying network provider/carrier through the resale of wireless services from Reunion

⁵ See Compliance Plan Public Notice at 3.

⁶ See *Lifeline Reform Order*, ¶ 373.

Communications, Inc. and kajeet, Inc. Sprint routes 911 calls from NewPhone Wireless's customers in the same manner as 911 calls from Sprint's own retail customers. To the extent that Sprint is certified in a given PSAP territory, this 911 capability will function the same for NewPhone Wireless. NewPhone Wireless also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active or suspended. Finally, the Company transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

E911-Compliant Handsets. NewPhone Wireless will ensure that all handsets used in connection with the Lifeline service offering will be E911-compliant. Indeed, NewPhone Wireless's phones have always been and will continue to be 911 and E911-compliant. The Company uses phones from various providers and ensures that the handset models used meet all 911 and E911 requirements. As a result, any existing customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. Any new customer that qualifies for and enrolls in the Company's Lifeline program is assured of receiving a 911/E911-compliant handset as well, at a discounted price or free of charge.

COMPLIANCE PLAN

I. PROCEDURES TO ENROLL A SUBSCRIBER IN LIFELINE⁷

A. Policy

The Company complies with the uniform eligibility criteria established in new section 54.409 of the Commission's rules, as well as any additional certification and verification requirements for Lifeline eligibility in states where the Company is designated as an ETC.

Therefore, all subscribers will be required to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance programs listed in new sections 54.409(a)(2) or 54.409(a)(3) of the Commission's rules. In addition, through the certification requirements described below, NewPhone Wireless will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

B. Eligibility Determination

Currently all of NewPhone Wireless's customer enrollment is done in-person, as opposed to over the phone or the Internet, however, the Company will be enrolling customers over the phone and online in the future. Event locations for in-person enrollments are scheduled using various market or industry data resources. Additionally, the Company will be partnering with community organizations, such as civic organizations, churches and food banks to host events in the communities its serves.

⁷ See Compliance Plan Public Notice at 3.

All enrollments performed in-person are currently completed using paper forms, but will be completed electronically after June 1, 2012. The Company will not generally use "paper forms" after June 1, 2012, however, they may be used if the electronic systems cannot be used because of Internet connection or other issues. Further, at all times copies of the Lifeline application/certification forms will be available for customers to review. Currently, the Company enters customer information into the QuickTel software, which checks for duplicates and validates the customer's address. In addition, prospective customers are required to show a government-issued identification to enroll.

As of June 1, 2012, NewPhone Wireless's electronic process will use laptops and tablets to complete enrollment in real-time. The Company will be using the CGM, LLC enrollment application and expects to begin with that application around August 1, 2012. The electronic order process will provide the Company the opportunity to perform several database checks in real-time during the enrollment process as discussed below. NewPhone Wireless employees or representatives ("Company personnel") must log in to the software so that the customer enrollment is automatically tagged to a particular representative. The Company personnel must sign his or her agreement not to take part in any fraud with respect to Lifeline enrollment. The representative then advances through the electronic windows with the prospective customer to provide disclosures, collect information and elicit certifications as detailed below, which must be read and checked by the applicant. The customer signs the electronic application and the information collected is sent for several database checks, including an address verification, a geographic footprint match to the ETC's authorization to provide Lifeline service in the area, an internal duplicate check and a state database eligibility check (if

available). In addition, NewPhone Wireless will check each applicant against a pooled duplicates database established by CGM, LLC.

The electronic enrollment process includes the ability to scan customers' government-issued identification, proof of residence (if necessary because the address cannot be verified) and proof of eligibility. As discussed further below, the proof will only be retained for a short period of time for verification and then deleted. All transfers of information and scans collected electronically are transmitted in encrypted form. When the checks described herein are completed in real-time, approved customers are enrolled and receive a handset to be activated as discussed below.

When NewPhone Wireless begins enrolling customers over the phone and online, customers will be required to submit copies of their government-issued identification and proof of eligibility to the Company by regular mail, fax or electronic mail (scanned version).

As discussed in further detail in Section I.F. below, all Company personnel that conduct such in-person enrollments are trained regarding the eligibility and certification requirements in the *Lifeline Reform Order* and this Compliance Plan, including the one-per-household requirement, and told to inform potential customers of those requirements. New Company personnel undergo an initial mandatory training session where they are given training materials to review and understand.

If NewPhone Wireless cannot determine a prospective subscriber's eligibility for Lifeline by accessing income databases or program eligibility databases, Company personnel will review documentation establishing eligibility pursuant to the Lifeline

rules.⁸ All personnel who interact with current or prospective customers will be trained to assist Lifeline applicants in determining whether they are eligible to participate based on the federal and state-specific income-based and/or program-based criteria. These personnel will be trained to answer questions about Lifeline eligibility, and will review required documentation to determine whether it satisfies the *Lifeline Reform Order* and state-specific eligibility requirements using state-specific checklists.

Proof of Eligibility. Company personnel will be trained on acceptable documentation required to establish income-based and program-based eligibility.⁹ Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice letter of participation in a qualifying state, federal or Tribal program; (3) program participation documents (*e.g.*, the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid participation card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program.¹⁰

Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workmen's Compensation statement of benefits; federal or Tribal notice letter of participation in

⁸ See *Lifeline Reform Order*, ¶ 100; section 54.410(b)(1)(i)(B), 54.410(c)(1)(i)(B).

⁹ See *Lifeline Reform Order*, ¶ 101. See also USAC Guidance available at <http://www.usac.org/li/telecom-carriers/step06/default.aspx>.

¹⁰ *Id.* and section 54.410(c)(1)(i)(B).

General Assistance; or a divorce decree, child support award, or other official document containing income information for at least three months' time.¹¹

Company personnel will examine this documentation for each Lifeline applicant, and will record the type of documentation used to satisfy the income- or program-based criteria by checking the appropriate box on the application form.¹² In addition, Company personnel will fill in, where available, the last four digits of an account or other identifying number on the proof document, the date of the proof document and the expiration of the proof document. The Company will not retain a copy of this documentation, except where state rules require such retention.¹³ Where the Company personnel conclude that proffered documentation is insufficient to establish such eligibility, the Company will deny the associated application and inform the applicant of the reason for such rejection. In the event that Company personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter will be escalated to supervisory personnel at the Company's corporate headquarters at 5555 Hilton Avenue, Suite 415, Baton Rouge, Louisiana 70808.

De-Enrollment for Ineligibility. If NewPhone Wireless has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, the Company will notify the subscriber of impending termination in writing and in compliance with any state dispute resolution procedures applicable to Lifeline

¹¹ See *Lifeline Reform Order*, ¶101; section 54.410.(b)(1)(i)(B).

¹² See *Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(iii), 54.410(c)(1)(iii).

¹³ See *Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(ii), 54.410(c)(1)(ii).

termination, and give the subscriber 30 days to demonstrate continued eligibility.¹⁴ A demonstration of eligibility must comply with the annual verification procedures below and found in new rule section 54.410(f), including the submission of a completed and signed certification form. If a customer contacts the Company and states that he or she is not eligible for Lifeline or wishes to de-enroll for any reason, the Company will de-enroll the customer within five business days. Customers can make this request by calling the Company's customer service number and will not be required to submit any documents.

C. Subscriber Certifications for Enrollment

The Company will implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Company personnel as detailed in the *Lifeline Reform Order*, together with any additional state certification requirements.¹⁵ The Company shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these procedures will prevent the Company's customers from engaging in such abuse of the program, inadvertently or intentionally. Every applicant will be required to complete an application/certification form containing disclosures, and collecting certain information and certifications as discussed below.¹⁶ Applicants that seek to enroll based on income eligibility will be referred to a worksheet showing the Federal Poverty Guidelines by household size.¹⁷ Applicants that do not complete the form in person will

¹⁴ See *Lifeline Reform Order*, ¶ 143; section 54.405(e)(1).

¹⁵ *Lifeline Reform Order*, ¶ 61; section 54.410(a).

¹⁶ See Model Application/Certification Form, included as Exhibit A. See Compliance Plan Public Notice at 3.

¹⁷ See Income Eligibility Worksheet, included as Exhibit B.

be required to submit a completed and signed application/certification to the Company by mail, facsimile, electronic mail or other electronic transmission. In addition, Company personnel will verbally explain the certifications to consumers when they are enrolling in person or over the phone.¹⁸

Disclosures. The Company's application/certification forms will include the following disclosures: (1) Lifeline is a federal benefit and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the applicant's de-enrollment from the program; and (6) Lifeline is a non-transferable benefit and the applicant may not transfer his or her benefit to any other person.¹⁹

Application/certification forms will also state that: (1) the service for which the consumer is applying is a Lifeline service, (2) Lifeline is a government assistance program, and (3) only eligible consumers may enroll in the program.²⁰

In addition, NewPhone Wireless will notify the applicant that the Lifeline service must be personally activated by the subscriber and the service will be deactivated and the subscriber de-enrolled if the subscriber does not use the service for 60 days.²¹

¹⁸ See *Lifeline Reform Order*, ¶ 123.

¹⁹ See *Lifeline Reform Order*, ¶ 121; section 54.410(d)(1).

²⁰ See section 54.405(c).

Information Collection. The Company will also collect the following information from the applicant in the application/certification form: (1) the applicant's full name; (2) the applicant's full residential address (P.O. Box is not sufficient²²); (3) whether the applicant's residential address is permanent or temporary; (4) the applicant's billing address, if different from the applicant's residential address; (5) the applicant's date of birth; (6) the last four digits of the applicant's Social Security number (or the applicant's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a Social Security number); (7) if the applicant is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the applicant, his or her dependents, or his or her household receives benefits; and (8) if the applicant is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.²³

Applicant Certification. Consistent with new rule section 54.410(d)(3), the Company will require the applicant to certify, under penalty of perjury, in writing or by electronic signature or interactive voice response recording,²⁴ the following: (1) the applicant meets the income-based or program-based eligibility criteria for receiving Lifeline; (2) the applicant will notify the Company within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income-based or program-based criteria for receiving Lifeline support, the applicant is receiving more than one Lifeline benefit, or another

²¹ See *Lifeline Reform Order*, ¶ 257.

²² See *Lifeline Reform Order*, ¶ 87.

²³ See section 54.410(d)(2).

²⁴ See *Lifeline Reform Order*, ¶¶ 168-69; section 54.419.

member of the applicant's household is receiving a Lifeline benefit; (3) if the applicant is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands; (4) if the applicant moves to a new address, he or she will provide that new address to the Company within 30 days; (5) if the applicant provided a temporary residential address to the Company, the applicant will be required to verify his or her temporary residential address every 90 days; (6) the applicant's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the applicant's household is not already receiving a Lifeline service; (7) the information contained in the applicant's application/certification form is true and correct to the best of the applicant's knowledge; (8) the applicant acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and (9) the applicant acknowledges that the applicant may be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to the applicant's continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits pursuant to the de-enrollment policy included below and in the Commission's rules.

In addition, the applicant will be required to authorize the Company to access any records required to verify the applicant's statements on the application/certification form and to confirm the applicant's eligibility for the Company Lifeline credit. The applicant must also authorize the Company to release any records required for the administration of the Company Lifeline credit program, including to USAC to be used in a Lifeline program database.²⁵

²⁵ See Section 54.404(b)(9). The application/certification form will also describe the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program and that failure

D. Annual Verification Procedures

NewPhone Wireless will annually re-certify all subscribers by querying the appropriate eligibility databases or obtaining a signed certification from each subscriber consistent with the certification requirements above and new section 54.410(d) of the Commission's rules. This certification will include a confirmation that the applicant's household will receive only one Lifeline service and, to the best of the subscriber's knowledge, the subscriber's household is receiving no more than one Lifeline service.²⁶ NewPhone Wireless will notify each participating Lifeline customer annually that he or she must confirm his or her continued eligibility in accordance with the applicable requirements. Further, the verification materials will inform the subscriber that he or she is being contacted to re-certify his or her continuing eligibility for Lifeline service and if the subscriber fails to respond, he or she will be de-enrolled from the program.²⁷

2012 Verification. NewPhone Wireless will re-certify the eligibility of each of its existing subscribers as of June 1, 2012 on a rolling basis by the end of 2012 and report the results to USAC by January 31, 2013.²⁸ NewPhone Wireless will contact its subscribers via text message to their Lifeline supported telephone, or by mail, phone, email or other Internet communication. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company.

to provide consent will result in the applicant being denied the Lifeline service.
See id.

²⁶ *See Lifeline Reform Order*, ¶ 120.

²⁷ *See Lifeline Reform Order*, ¶ 145.

²⁸ *See id.*, ¶ 130.

Verification De-Enrollment. NewPhone Wireless will de-enroll subscribers that do not respond to the annual verification or fail to provide the required certification.²⁹ NewPhone Wireless will give subscribers 30 days to respond to the initial annual verification inquiry. If the subscriber does not respond, the Company will send a separate notice explaining that failure to respond within 30 days will result in the subscriber's de-enrollment from the Lifeline program. If the subscriber does not respond within 30 days from the date of the second notice, NewPhone Wireless will de-enroll the subscriber within five business days.

E. Activation and Non-Usage

NewPhone Wireless will not consider a Lifeline subscriber that is subject to the activation and usage requirements activated, and will not seek reimbursement for Lifeline service for that subscriber, until the subscriber activates NewPhone Wireless's Lifeline service by placing a call from the NewPhone Wireless handset in front of the Company personnel that enrolled the customer. The customer can also activate the phone later by calling NewPhone Wireless's customer service number.³⁰ When the Company begins enrolling customers over the phone and online, customers will receive wireless handsets at the address provided for enrollment and will be instructed to place a call to activate the phone. NewPhone Wireless will not seek reimbursement for Lifeline service for the subscriber until a call is made from the handset to activate the service.

In addition, after service activation, NewPhone Wireless will provide a de-enrollment notice to subscribers that have not used their service for 60 days. After 60

²⁹ See *id.*, ¶ 142; section 54.54.405(e)(4).

³⁰ See *Lifeline Reform Order*, ¶ 257; section 54.407(c)(1).

days of non-use, NewPhone Wireless will provide notice to the subscriber that failure to use the Lifeline service within a 30-day notice period will result in de-enrollment.³¹ Subscribers can “use” the service by: (1) completing an outbound call; (2) purchasing minutes from NewPhone Wireless to add to the subscriber’s plan; (3) answering an incoming call from a party other than NewPhone Wireless; or (4) responding to a direct contact from NewPhone Wireless confirming that the subscriber wants to continue receiving the service.³²

If the subscriber does not respond to the notice as provided above, the subscriber will be de-enrolled from the Lifeline program and NewPhone Wireless will not request further Lifeline reimbursement for the subscriber. NewPhone Wireless will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.³³

NewPhone Wireless also will allow customers to agree to a monthly credit card automatic payment of \$5 in advance each month and such customers will receive an additional 210 anytime minutes. Because these customers will have a regular billing relationship with the Company, the activation and non-usage requirements will not apply.³⁴

F. Additional Measures to Prevent Waste, Fraud and Abuse

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, the

³¹ See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

³² See *Lifeline Reform Order*, ¶ 261; section 54.407(c)(2).

³³ See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

³⁴ See *Lifeline Reform Order*, ¶¶ 257, 263; section 54.407(c).

Company will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.

In addition to checking the National Lifeline Accountability Database in the *Lifeline Reform Order* (the “Database”) when it becomes available, Company personnel will emphasize the “one Lifeline phone per household” restriction in their direct sales contacts with potential customers. Training materials will include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction. All Company personnel interacting with existing and potential Lifeline customers will undergo training regarding the eligibility and certification requirements in the *Lifeline Reform Order* and this Compliance Plan. They will also be required to sign an acknowledgment of this training.

Further, the Company has taken a proactive approach to eliminating fraud amongst its agents and representatives. Every fiftieth customer is called by a customer service representative to verify the information provided on the customer’s Lifeline application/certification. If misconduct or fraud is suspected or uncovered, the Company will take corrective action. Remedial action can include additional training, deactivation of credentials, termination and possible legal action.

Database. When the Database becomes available, NewPhone Wireless will comply with the requirements of new rule section 54.404. NewPhone Wireless will query the Database to determine whether an applicant is currently receiving a Lifeline

service from another ETC and whether anyone else living at the applicant's residential address is currently receiving Lifeline service.³⁵

One-Per-Household. NewPhone Wireless will implement the requirements of the *Lifeline Reform Order* to ensure that it provides only one Lifeline benefit per household³⁶ through the use of its application/certification forms discussed above, internal database checks and its marketing materials discussed below. Upon receiving an application for the Company's Lifeline service, NewPhone Wireless will search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at the same residential address.³⁷ If so, and the applicant lives at an address with multiple households, NewPhone Wireless will require the applicant to complete and submit a written USAC document containing the following: (1) an explanation of the Commission's one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not

³⁵ See *Lifeline Reform Order*, ¶ 203. Company will also transmit to the National Database the information required for each new and existing Lifeline subscriber. See *Lifeline Reform Order*, ¶¶ 189-195; section 54.404(b)(6). Further, Company will update each subscriber's information in the National Database within ten business days of any change, except for de-enrollment, which will be transmitted within one business day. See section 54.404(b)(8),(10).

³⁶ A "household" is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. See *Lifeline Reform Order*, ¶ 74; section 54.400(h).

³⁷ See *Lifeline Reform Order*, ¶ 78.

contribute income to the applicant's household and share in the household's expenses or benefit from the applicant's income, pursuant to the Commission's definition; and (4) the penalty for a consumer's failure to make the required one-per-household certification (*i.e.*, de-enrollment).³⁸ Further, if an applicant provides a temporary address on his or her application/certification form collected as described above, NewPhone Wireless will verify with the applicant/subscriber every 90 days that the subscriber continues to rely on that address.³⁹

In addition, Company personnel will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, facilitate the applicant's understanding of what constitutes "Lifeline-supported services," and ability to determine whether he or she is already benefiting from Lifeline support, by informing the consumer that not all Lifeline services are currently marketed under the name Lifeline. NewPhone Wireless will also ask each customer whether they are receiving Lifeline service from one of the other major Lifeline providers in the state (*e.g.*, SafeLink, Assurance). Finally, at the time of enrollment, NewPhone Wireless will check each applicant against a pooled duplicates database established by CGM, LLC.

Marketing Materials. Within the deadline provided in the *Lifeline Reform Order*, NewPhone Wireless will include the following information regarding its Lifeline service on all marketing materials describing the service: (1) it is a Lifeline service, (2) Lifeline is a government assistance program, (3) Lifeline service is non-transferable, (4) only eligible consumers may enroll in the Lifeline program, (5) the Lifeline program is limited

³⁸ *Id.* The USAC worksheet is available at <http://www.usac.org/li/tools/news/default.aspx#582>.

³⁹ *See Lifeline Reform Order*, ¶ 89.

to one discount per household; (6) that documentation is necessary for enrollment; (7) NewPhone Wireless's name (the ETC); and (8) the Company's application/certification form will state that consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.⁴⁰ These statements will be included in all print, audio video and web materials (including social networking media) used to describe or enroll customers in the Company's Lifeline service offering, as well as the Company's application/certification forms and annual re-certification forms.⁴¹ This specifically includes NewPhone Wireless's website (www.newphonewireless.net) and any marketing materials.⁴² A sample of NewPhone Wireless's marketing materials is included as Exhibit C.

G. Company Reimbursements From the Fund

To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, NewPhone Wireless will certify, as part of each reimbursement request, that it is in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.⁴³ Further, the Company will transition the submission of its FCC Forms 497 to the eighth day of each month in order to be

⁴⁰ See *Lifeline Reform Order*, ¶ 275; section 54.405(c). See also *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Erratum, ¶ 63 (rel. May 16, 2012).

⁴¹ See *Lifeline Reform Order*, ¶ 275; section 54.405(c).

⁴² *Id.* NewPhone Wireless's website is currently "under construction" to implement the changes required by the *Lifeline Reform Order* and this Compliance Plan.

⁴³ See *Lifeline Reform Order*, ¶ 128; section 54.407(d).

reimbursed the same month, and inform USAC, to the extent necessary, to transition its reimbursement process to actual claims rather than projected claims over the course of more than one month.⁴⁴ In addition, NewPhone Wireless will keep accurate records as directed by USAC⁴⁵ and as required by new section 54.417 of the Commission's rules.

H. Annual Company Certifications

NewPhone Wireless will submit an annual certification to USAC, signed by a NewPhone Wireless officer under penalty of perjury, that the Company: (1) has policies and procedures in place to review consumers' documentation of income and program based eligibility and ensure that its Lifeline subscribers are eligible to receive Lifeline services;⁴⁶ (2) is in compliance with all federal Lifeline certification procedures;⁴⁷ and (3) has obtained a valid application/certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.⁴⁸

In addition, NewPhone Wireless will provide the results of its annual re-certifications/verifications to the Commission, USAC, the applicable state commission and the relevant Tribal governments (for subscribers residing on Tribal lands) on an annual basis.⁴⁹ Further, as discussed above, NewPhone Wireless will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁵⁰

⁴⁴ See *Lifeline Reform Order*, ¶¶ 302 – 306.

⁴⁵ See *id.*

⁴⁶ See *Lifeline Reform Order*, ¶ 126; section 54.416(a)(1).

⁴⁷ See *Lifeline Reform Order*, ¶ 127; section 54.416(a)(2).

⁴⁸ See section 54.416(a)(3).

⁴⁹ See *Lifeline Reform Order*, ¶¶ 132,148; section 54.416(b).

⁵⁰ See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

The Company will also annually report to the Commission, USAC, and relevant state commissions and the relevant authority in a U.S. territory or Tribal government as appropriate,⁵¹ the Company name, names of the Company's holding company, operating companies and affiliates, if any, and any branding (such as a "dba" or brand designation) as well as relevant universal service identifiers for each entity by Study Area Code.⁵² NewPhone Wireless will report annually information regarding the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low-income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.⁵³ Finally, NewPhone Wireless will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer protection rules, as well as a certification that NewPhone Wireless is able to function in emergency situations.⁵⁴

I. Cooperation with State and Federal Regulators

The Company has cooperated and will continue to cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Make available, upon request, state-specific subscriber data, including the names and addresses of Lifeline subscribers, to USAC and to each state public utilities commission where the Company operates for the purpose

⁵¹ See *Lifeline Reform Order*, section 54.422(c).

⁵² See *Lifeline Reform Order*, ¶¶ 296, 390; section 54.422(a).

⁵³ See *Lifeline Reform Order*, ¶ 390; section 54.422(b)(5).

⁵⁴ See *Lifeline Reform Order*, ¶ 389; section 54.422(b)(1)-(4).

of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;⁵⁵

- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline service from another carrier; and
- Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe⁵⁶ is receiving Lifeline-supported service from another ETC or is no longer eligible to participate in the Lifeline program – whether or not such information is provided by the Commission, USAC, or a state commission.

II. Description of Lifeline Service Offerings⁵⁷

NewPhone Wireless will offer its Lifeline service in the states where it is designated as an ETC⁵⁸ and throughout its ETC designated coverage area. The Company's Lifeline offering will provide customers with two plans to choose from at no charge to the customer: 1) 150 anytime minutes per month with rollover and one text per airtime minute (send or receive); and 2) 250 anytime minutes per month without rollover and one text per airtime minute (send or receive). Lifeline customers can purchase additional bundles of minutes in the form of airtime cards in denominations of \$5 (100

⁵⁵ The Company anticipates that the need to provide such information will sunset following the implementation of the national duplicates database.

⁵⁶ See section 54.405(e)(1).

⁵⁷ See Compliance Plan Public Notice at 3.

⁵⁸ The Company is currently designated as an ETC in Louisiana. The Company was designated as an ETC in Arkansas pursuant to Order No. 3 in APSC Docket No. 11-083-U (rel. February 24, 2012), which designation has been stayed pursuant to Order No. 4 in APSC Docket No. 11-083-U (rel. March 22, 2012) pending further consideration of the FCC's recent *Lifeline Reform Order*.

minutes), \$10 (210 minutes), \$20 (500 minutes), and \$30 (800 minutes). Airtime “top-up” minutes will be available for purchase at NewPhone Wireless’s website, by phone, or at any future retail locations. Customers that agree to a monthly credit card automatic payment of \$5 in advance each month will receive an additional 210 anytime minutes. Additional information regarding NewPhone Wireless’s plans, rates and services can be found on its website, www.newphonewireless.net.⁵⁹

In addition to free voice services, the Company’s Lifeline plan will include a discounted or free handset and custom calling features, including Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, and Basic Voicemail. All plans include domestic long-distance at no extra per minute charge. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes.

III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation⁶⁰

Financial and Technical Capabilities. Revised Commission rule 54.202(a)(4), 47 C.F.R. 54.202(a)(4), requires carriers petitioning for ETC designation to demonstrate financial and technical capability to comply with the Commission’s Lifeline service requirements.⁶¹ The Compliance Plan Public Notice requires that carriers’ compliance plan include this demonstration. Among the factors the Commission will consider are: a carrier’s prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline

⁵⁹ NewPhone Wireless’s website is currently “under construction” to implement the changes required by the *Lifeline Reform Order* and this Compliance Plan.

⁶⁰ See Compliance Plan Public Notice at 3.

⁶¹ See *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

reimbursement to operate; whether the carrier receives revenues from other sources and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding in any state.

NewPhone Wireless has been providing wireless Lifeline service since being designated as an ETC by the Louisiana Public Service Commission in September of 2011, and NewPhone Wireless's management team has been providing wireless services since 2010 through the operations of Image Access. NewPhone Wireless's management team has over 13 years of experience in owning and operating a wireline telecommunications company – Image Access – which has provided local exchange service in each of the former BellSouth (now AT&T Southeast) states, Arkansas and Indiana. Further, since 2003, NewPhone Wireless's management has owned and operated a telecommunications company called Razorline offering IP-based hosted PBX communications and information services to business customers in Louisiana. NewPhone Wireless and its customers have and will continue to benefit from the experience and capabilities of its management team, which draws upon its extensive background in the telecommunications industry.

Image Access is a competitive local exchange carrier that has offered wireline local exchange service in the southeast and provided both Lifeline and non-Lifeline services throughout the AT&T Southeast footprint. Specifically, since 1998, Image Access has offered wireline service in Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky and Indiana. In 2010, Image Access began providing prepaid wireless service to customers in Louisiana. In 2011, the management of Image Access (which is the same as NewPhone Wireless's

management) transitioned the wireless operations of Image Access to NewPhone Wireless following the Louisiana Public Service Commission's grant of wireless ETC status to NewPhone Wireless in September 2011.

NewPhone Wireless has also applied for and been granted wireless, low-income ETC status in Arkansas, which approval has been stayed pending further consideration of the FCC's recent *Lifeline Reform Order*. NewPhone Wireless will continue to offer wireless services to Lifeline eligible and non-Lifeline customers pursuant to its tariffs and other terms and conditions, which can be found on the Company's website. NewPhone Wireless has not been subject to enforcement action or ETC revocation proceedings in any state.

Service Requirements Applicable to Company's Support. The Compliance Plan Public Notice requires carriers to include "certifications required under newly amended section 54.202 of the Commission's rules."⁶² NewPhone Wireless certifies that it will comply with the service requirements applicable to the support the Company receives.⁶³ NewPhone Wireless provides all of the telecommunications service supported by the Lifeline program and will make the services available to all qualified consumers throughout its ETC designated service areas in the states in which it is designated as an ETC. The Company's services include voice telephony services that provide voice grade access to the public switched network or its functional equivalent. Further, NewPhone Wireless's service offerings provide its customers with a set number of minutes of use for local service at no charge to the customer. NewPhone Wireless's current Lifeline

⁶² Compliance Plan Public Notice at 3.

⁶³ 47 C.F.R. § 54.202(a)(1).

offerings include the packages described in Section II *supra* that can be used for local and domestic toll service.

The Company also will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available and will comply with any Commission requirements regarding E911-compatible handsets. As discussed above, NewPhone Wireless will comply with the Commission's forbearance grant conditions relating to the provision of 911 and E911 services and handsets.

Finally, NewPhone Wireless will not provide toll limitation service ("TLS"). NewPhone Wireless, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.⁶⁴

⁶⁴ See *Lifeline Reform Order*, ¶ 230.

IV. Conclusion

NewPhone Wireless submits that its Compliance Plan fully satisfies the conditions set forth in the Commission's *Lifeline Reform Order*, the Compliance Plan Public Notice and the Lifeline rules. Accordingly, NewPhone Wireless respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,



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Counsel to NewPhone Wireless, L.L.C.

August 23, 2012

EXHIBIT A



NewPhone Wireless, L.L.C.
Louisiana Wireless Lifeline Service Application and Certification

Mail or fax completed and signed form to:
P O Box 80157, Baton Rouge, LA 70898
Fax 1-877-514-3138 / Customer Service: 1-855-204-3667

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in NewPhone Wireless's (the "Company's") Lifeline service program in your state. This Certification is only for the purpose of verifying your eligibility for Lifeline service and will not be used for any other purpose. Service requests will not be processed until this Form has been received and verified by the Company.

One Lifeline service per household disclosures: Lifeline is a government assistance program and willfully making false statements to obtain a Lifeline benefit can result in fines, imprisonment, de-enrollment or being barred from the program. Lifeline benefits are limited to a single line of service per household. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. A household may not receive multiple Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both and you cannot receive Lifeline benefits from multiple providers. Note that not all Lifeline services are currently marketed under the name Lifeline. Lifeline is a non-transferable benefit and you may not transfer your benefit to any other person, including another eligible low-income consumer. Violation of the one-per-household limitation constitutes a violation of the Federal Communications Commission's rules and will result in your de-enrollment from the program, and potentially prosecution by the United States Government.

☐ **I hereby certify that I have read and understood the disclosures listed above and that, to the best of my knowledge, my household is not already receiving a Lifeline service benefit.**

Customer eligibility certification: I hereby certify that I participate in at least one of the following programs (**check one**):

- | | |
|---|--|
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP) | <input type="checkbox"/> Income at or below 135% of Federal Poverty Guidelines |
| <input type="checkbox"/> Section 8 Federal Public Housing Assistance (FPHA) | <input type="checkbox"/> Temporary Assistance for Needy Families (TANF) |
| <input type="checkbox"/> Medicaid (not Medicare) | <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> National School Lunch Program's free lunch program |

Customer Application Information:

First Name: _____ Middle Name: _____ Last Name: _____
Date of Birth: Month: _____ Day: _____ Year: _____ Last Four Digits of Social Security: _____
If Qualifying for Lifeline by Income, number of Individuals In Household: _____
Home Telephone Number (if available): _____ Contact Number: _____

Residential Address (P.O. Box NOT sufficient)
Number: _____ Apt: _____ Street _____ City _____
State: _____ Zip Code: _____
Address is (choose one): ☐ Permanent ☐ Temporary

Billing Address (if different from Residential Address) (P.O. Box IS sufficient)
Number: _____ Apt: _____ Street _____ City _____
State: _____ Zip Code: _____

Multiple households sharing an address:

- ☐ I hereby certify that I reside at an address occupied by multiple households, including adults who do not contribute income to my household and/or share in my household's expenses, and I will complete a separate additional form.

This space is used to apply a sticker that includes the ESN# Telephone Number, and MIN# which are used to verify the information on the order.

Activation and usage requirement disclosures: This service is a prepaid service and you must personally activate it by calling **1-855-204-3667** To keep your account active, you must use your Lifeline service at least once during any 60 day period by completing an outbound call, purchasing additional minutes from the Company, answering an in-bound call from someone other than the Company, or by responding to a direct contact from the Company confirming that you want to continue receiving Lifeline service from the Company. If your service goes unused for 60 days, you will no longer be eligible for Lifeline benefits and your service will be suspended (allowing only 911 calls and calls to the Company's customer care center) subject to a 30 day cure period during which you may use the service (as described above) or contact the Company to confirm that you want to continue receiving Lifeline service from the Company.

☐ **I hereby certify that I have read and understood the disclosures listed above regarding activation and usage requirements.**

Authorizations:

☐ I hereby authorize the Company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program. I also authorize the Company to release any records required for the administration of the Lifeline program (e.g., name, telephone number and address), including to the Universal Service Administrative Company, to be used in a Lifeline database and to ensure the proper administration of the Lifeline Program. Failure to consent will result in denial of service.

Additional certifications: I hereby certify, under penalty of perjury, that (check each box):

- ☐ I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required
- ☐ I will notify the Company within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I no longer meet the income-based or program-based eligibility criteria, I begin receiving more than one Lifeline benefit, or another member of my household is receiving a Lifeline benefit. I understand that I may be subject to penalties if I fail to follow this requirement
- ☐ I am not listed as a dependent on another person's tax return (unless over the age of 60)
- ☐ The address listed below is my primary residence, not a second home or business
- ☐ If I move to a new address, I will provide that new address to the Company within 30 days
- ☐ If I provided a temporary residential address to the Company, I will verify my temporary residential address every 90 days
- ☐ I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law
- ☐ I acknowledge that I may be required to re-certify my continued eligibility for Lifeline at any time, and my failure to re-certify as to my continued eligibility within 30 days will result in de-enrollment and the termination of my Lifeline benefits
- ☐ The information contained in this certification form is true and correct to the best of my knowledge

Applicant's Signature: _____ **Date:** _____

For Agent Use Only (check the appropriate boxes for the proof of eligibility viewed; do not copy or retain documentation):

Documents Acceptable Proof for Income-Eligibility (check 1):

- ☐ The prior year's state or federal tax return,
- ☐ Current income statement from an employer or paycheck stub,
- ☐ A Social Security statement of benefits,
- ☐ A Veterans Administration statement of benefits,
- ☐ A retirement/pension statement of benefits,
- ☐ An Unemployment/Workmen's Compensation statement of benefits,
- ☐ Federal notice letter of participation in General Assistance, or
- ☐ A divorce decree, child support award, or other official document containing income information for at least three months time.

Documents Acceptable Proof for Program-Eligibility (choose 1 from each list A and B below):

List A - Choose 1

- ☐ Supplemental Nutrition Assistance Program (SNAP)
- ☐ Medicaid
- ☐ Section 8 Federal Public Housing Assistance (FPHA)
- ☐ Supplemental Security Income (SSI)
- ☐ Temporary Assistance for Needy Families (TANF)
- ☐ Low Income Home Energy Assistance Program (LIHEAP)
- ☐ National School Lunch Program's free lunch program

Last 4 digits of Document from List B _____

Date of Proof Document: ____/____/____

Expiration Date of Proof Document: ____/____/____

List B - Choose 1:

- ☐ Program participation card/document
- ☐ Prior year's statement of benefits
- ☐ Notice letter of participation

Applicant Account Number	Agent/Dealer Number

EXHIBIT B



Lifeline Service Application Income Eligibility Worksheet

Individuals in all states are able to enroll in the Lifeline program by demonstrating that their household's annual income is at or below 135% of the Federal Poverty Guidelines. This table should be used to determine whether a Lifeline applicant is eligible for Lifeline service based on the number of individuals in the applicant's household and the applicant's household annual income:

HOUSEHOLD SIZE	INCOME LEVEL
1	\$15,080
2	\$20,426
3	\$25,772
4	\$31,118
5	\$36,464
6	\$41,810
7	\$47,156
8	\$52,502
For each additional person	Add \$5,346

Applicants must list the number of individuals in the applicant's household on the Lifeline application form. Applicants seeking to qualify for Lifeline service based on their household income must present one of the following documents in order to prove eligibility:

- the prior year's state, federal, or Tribal tax return
- current income statement from an employer or paycheck stub
- a Social Security statement of benefits
- a Veterans Administration statement of benefits
- a retirement/pension statement of benefits
- an Unemployment/Workmen's Compensation statement of benefits
- Federal or Tribal notice letter of participation in General Assistance
- a divorce decree, child support award, or other official document containing income information for at least three months time

This is a Lifeline service provided by NewPhone Wireless, L.L.C. Lifeline is a government assistance program. Only one Lifeline service is available per household. Households are not permitted to receive multiple Lifeline benefits whether they are from one or multiple companies, wireless or wireline. Proof of eligibility is required for enrollment and only eligible customers may enroll in Lifeline service. Consumers who willingly make false statements to obtain the benefit can be punished by fine or imprisonment or can be barred from the program. Lifeline is a non-transferable benefit. Lifeline customers may not transfer their benefits to any other person.

EXHIBIT C



Lifeline Service

Free Cell Phone, No Contract, No Bills

Lifeline is a program designed to increase the availability of telecommunications services to low-income subscribers by providing a credit for monthly telephone service for eligible consumers.

Lifeline is a government assistance program

The benefit is limited to one discount per household

The service is non-transferable

Only eligible consumers may enroll in the program. Consumers must provide one (1) of the following and provide proof of benefit received such as an eligible program card or statement of benefit:

Food Stamps/Snap
 Medicaid (not Medicare)
 Supplemental Security Income (SSI)
 Low Income Home Energy Assistance (LIHEAP)
 National School Lunch Programs (free lunch program)
 Federal Public Housing Assistance (SECTION 8)
 Temporary Assistance for Needy Families (TANF)
 Household Income based on Federal Poverty Guidelines

Federal Poverty Guidelines –135%	
Household Size	
1	\$15,080
2	\$20,426
3	\$25,772
4	\$31,118
5	\$36,464
6	\$41,810
7	\$47,156
8	\$52,502
For each additional person add	\$5,346

Available Plans
150 minutes free each month. Remaining minutes rollover each month. 1 text = 1 minute
250 minutes free each month. No rollover minutes. 1 text = 1 minute

Must complete a Lifeline Application-Print Clearly

Must provide proof of benefit received,a valid ID, and the last four digits of your Social Security Number

Must include a physical address

Must make a call every month to continue eligibility

To check remaining minutes, dial *646# or 1-877-234-1216

For Customer Service Call: 1-855-204-3667

*******Willfully making a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or you can be barred from the program.*******

EXHIBIT C

State	SAC	Study Area Name	Rural or Non-Rural
AL	255181	SO CENTRAL BELL-AL	Non-rural
AL	259788	CENTURYTEL-AL-SOUTH	Non-rural
AL	259789	CENTURYTEL-AL-NORTH	Non-rural
AL	250282	BLOUNTSVILLE TEL CO	Rural
AL	250283	BRINDLEE MOUNTAIN	Rural
AL	250284	BUTLER TEL CO	Rural
AL	250285	CASTLEBERRY TEL CO	Rural
AL	250286	NATIONAL OF ALABAMA	Rural
AL	250290	FARMERS TELECOM COOP	Rural
AL	250295	GRACEBA TOTAL COMM	Rural
AL	250298	GULF TEL CO - AL	Rural
AL	250299	HAYNEVILLE TEL CO	Rural
AL	250300	HOPPER TELECOM.CO	Rural
AL	250301	FRONTIER-LAMAR CNTY	Rural
AL	250302	WINDSTREAM AL	Rural
AL	250304	MILLRY TEL CO	Rural
AL	250305	MON-CRE TEL COOP	Rural
AL	250306	FRONTIER COMM.-AL	Rural
AL	250307	MOUNDVILLE TEL CO	Rural
AL	250308	NEW HOPE TEL COOP	Rural
AL	250311	OAKMAN TEL CO (TDS)	Rural
AL	250312	OTELCO TELEPHONE LLC	Rural
AL	250314	PEOPLES TEL CO	Rural
AL	250315	PINE BELT TEL CO	Rural
AL	250316	RAGLAND TEL CO	Rural
AL	250317	ROANOKE TEL CO	Rural
AL	250318	FRONTIER COMM-SOUTH	Rural
AL	250322	UNION SPRINGS TEL CO	Rural
CT	132454	THE WOODBURY TEL CO	Rural
CT	135200	SOUTHERN NEW ENGLAND	Non-rural
DC	575020	VERIZON WA, DC INC.	Non-rural
DE	565010	VERIZON DELAWARE INC	Non-rural
FL	210328	VERIZON FLORIDA	Non-rural
FL	210291	GTC, INC.	Rural
FL	210318	FRONTIER COMM-SOUTH	Rural
FL	210329	GTC, INC.	Rural
FL	210330	SMART CITY TEL LLC	Rural
FL	210331	ITS TELECOMM. SYS.	Rural
FL	210335	NORTHEAST FLORIDA	Rural
FL	210336	WINDSTREAM FL	Rural
FL	210338	QUINCY TEL CO-FL DIV	Rural
FL	210339	GTC, INC.	Rural
FL	210341	EMBARQ FLORIDA INC. FKA SPRINT	Rural
NC	230479	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	Non-rural
NC	230509	FRONTIER COMMUNICATIONS OF THE CAROLINAS, INC.	Non-rural

State	SAC	Study Area Name	Rural or Non-Rural
NC	230864	VERIZON SOUTH INC. DBA NORTH CAROLINA	Non-rural
NC	235193	SOUTHERN BELL-NC	Non-rural
NC	230468	ATLANTIC MEMBERSHIP	Rural
NC	230469	BARNARDSVILLE TEL CO	Rural
NC	230470	CAROLINA TEL & TEL	Rural
NC	230471	CENTEL OF NC	Rural
NC	230473	CITIZENS TEL CO	Rural
NC	230474	CONCORD TEL CO	Rural
NC	230476	WINDSTREAM NC	Rural
NC	230478	ELLERBE TEL CO	Rural
NC	230483	LEXCOM TELEPHONE CO.	Rural
NC	230485	MEBTTEL, INC.	Rural
NC	230491	N.ST. DBA N. ST.COMM	Rural
NC	230494	PINEVILLE TEL CO	Rural
NC	230495	RANDOLPH TEL CO	Rural
NC	230496	RANDOLPH MEMBERSHIP	Rural
NC	230497	PIEDMONT MEMBERSHIP	Rural
NC	230498	SALUDA MOUNTAIN TEL	Rural
NC	230500	SERVICE TEL CO	Rural
NC	230501	SKYLINE MEMBERSHIP	Rural
NC	230502	STAR MEMBERSHIP CORP	Rural
NC	230503	SURRY MEMBERSHIP	Rural
NC	230505	TRI COUNTY TEL MEMBR	Rural
NC	230510	WILKES MEMBERSHIP	Rural
NC	230511	YADKIN VALLEY TEL	Rural
NH	125113	NORTHERN NEW ENGLAND TELEPHONE OPERATIONS LLC	Non-rural
NH	120038	BRETTON WOODS TEL CO	Rural
NH	120039	GRANITE STATE TEL	Rural
NH	120042	DIXVILLE TEL CO	Rural
NH	120043	DUNBARTON TEL CO	Rural
NH	120045	KEARSARGE TEL CO	Rural
NH	120047	MERRIMACK COUNTY TEL	Rural
NH	120049	UNION TEL CO	Rural
NH	120050	WILTON TEL CO - NH	Rural
NH	123321	MCTA, INC.	Rural
NY	150121	FRONTIER-ROCHESTER	Non-rural
NY	155130	VERIZON NEW YORK	Non-rural
NY	150071	ARMSTRONG TEL CO-NY	Rural
NY	150072	FRONTIER-AUSABLE VAL	Rural
NY	150073	BERKSHIRE TEL CORP	Rural
NY	150076	CASSADAGA TEL CORP	Rural
NY	150077	CHAMPLAIN TEL CO	Rural
NY	150078	CHAUTAUQUA & ERIE	Rural
NY	150079	CHAZY & WESTPORT	Rural
NY	150081	CITIZENS HAMMOND NY	Rural

State	SAC	Study Area Name	Rural or Non-Rural
NY	150084	TACONIC TEL CORP	Rural
NY	150085	CROWN POINT TEL CORP	Rural
NY	150088	DELHI TEL CO	Rural
NY	150089	DEPOSIT TEL CO	Rural
NY	150091	DUNKIRK & FREDONIA	Rural
NY	150092	EDWARDS TEL CO	Rural
NY	150093	EMPIRE TEL CORP	Rural
NY	150095	FISHERS ISLAND TEL	Rural
NY	150097	GERMANTOWN TEL CO	Rural
NY	150099	HANCOCK TEL CO	Rural
NY	150100	FRONTIER COMM OF NY	Rural
NY	150104	MARGARETVILLE TEL CO	Rural
NY	150105	MIDDLEBURGH TEL CO	Rural
NY	150106	WINDSTREAM NY-FULTON	Rural
NY	150107	NEWPORT TEL CO	Rural
NY	150108	NICHOLVILLE TEL CO	Rural
NY	150109	WINDSTREAM-JAMESTOWN	Rural
NY	150110	OGDEN TEL DBA FRNTER	Rural
NY	150111	ONEIDA COUNTY RURAL	Rural
NY	150112	ONTARIO TEL CO, INC.	Rural
NY	150113	WINDSTREAM RED JACKT	Rural
NY	150114	ORISKANY FALLS TEL	Rural
NY	150116	PATTERSONVILLE TEL	Rural
NY	150118	PORT BYRON TEL CO	Rural
NY	150121	FRONTIER-ROCHESTER	Rural
NY	150122	FRONTIER-SENECA GORH	Rural
NY	150125	STATE TEL CO	Rural
NY	150128	FRONTIER-SYLVAN LAKE	Rural
NY	150129	TOWNSHIP TEL CO	Rural
NY	150131	TRUMANSBURG TEL CO.	Rural
NY	150133	VERNON TEL CO	Rural
NY	150135	WARWICK VALLEY-NY	Rural
NY	154532	CITIZENS-FRONTIER-NY	Rural
NY	154533	CITIZENS-FRONTIER-NY	Rural
NY	154534	CITIZENS-FRONTIER-NY	Rural
TN	290280	ARDMORE TEL CO	Rural
TN	290552	CENTURYTEL-ADAMSVILL	Rural
TN	290553	BEN LOMAND RURAL	Rural
TN	290554	BLED SOE TEL COOP	Rural
TN	290557	CENTURY-CLAIBORNE	Rural
TN	290559	CONCORD TEL EXCHANGE	Rural
TN	290561	CROCKETT TEL CO	Rural
TN	295185	SO. CENTRAL BELL -TN	Non-rural
TN	290562	DEKALB TEL COOP	Rural
TN	290565	HIGHLAND TEL COOP-TN	Rural

State	SAC	Study Area Name	Rural or Non-Rural
TN	290566	HUMPHREY'S COUNTY	Rural
TN	290567	UNITED INTER-MT-TN	Rural
TN	290570	LORETTO TEL CO	Rural
TN	290571	MILLINGTON TEL CO	Rural
TN	290573	NORTH CENTRAL COOP	Rural
TN	290574	CENTURYTEL-OOLTEWAH	Rural
TN	290575	TENNESSEE TEL CO	Rural
TN	290576	PEOPLES TEL CO	Rural
TN	290578	TELLICO TEL CO	Rural
TN	290579	TWIN LAKES TEL COOP	Rural
TN	290580	CTZENS-FRNTR-VOL ST	Rural
TN	290581	UTC OF TN	Rural
TN	290583	WEST TENNESSEE TEL	Rural
TN	290584	YORKVILLE TEL COOP	Rural
TN	290598	WEST KENTUCKY RURAL TELEPHONE	Rural
TN	294336	CITIZENS-FRONTIER-TN	Rural
VA	195040	VERIZON VIRGINIA INC	Non-rural
VA	190233	VERIZON S-VA(CONTEL)	Non-rural
VA	190217	AMELIA TEL CORP	Rural
VA	190219	BUGGS ISLAND COOP	Rural
VA	190220	BURKE'S GARDEN TEL	Rural
VA	190225	CITIZENS TEL COOP	Rural
VA	190226	NTELOS, INC.	Rural
VA	190237	HIGHLAND TEL COOP	Rural
VA	190238	MGW TEL. CO. INC.	Rural
VA	190239	NEW HOPE TEL COOP	Rural
VA	190243	PEMBROKE TEL COOP	Rural
VA	190244	PEOPLES MUTUAL TEL	Rural
VA	190248	SCOTT COUNTY COOP	Rural
VA	190249	ROANOKE & BOTETOURT	Rural
VA	190250	SHENANDOAH TEL CO	Rural
VA	190253	VIRGINIA TEL CO	Rural
VA	190254	CENTEL OF VIRGINIA	Rural
VA	190479	VERIZON SOUTH-VA	Rural
VA	190567	UNITED INTER-MT-VA	Rural
VA	193029	NEW CASTLE TEL. CO.	Rural
VA	197251	SHENANDOAH TELEPHONE COMPANY - NR	Rural